

25 Geo. II. c. 20

An ACT to Dissolve the Marriage of Thomas Benson, Gentleman, with Jane Board his now Wife; and to enable him to marry again; and for other Purposes therein mentioned.

Humbly sheweth and complaineth to Your Most Excellent MAJESTY,

YOUR true and faithful Subject *Thomas Benson*, Gentleman, That your said Subject, in the Month of *April* One thousand Seven hundred and Forty-six, being then of the Age of Twenty-two Years and three Months, and no more, and having no Estate or Fortune whatever in Possession or Reversion, was inadvertently led in to intermarry with *Jane Board* Spinster, his now Wife:

That the said *Jane*, in the Year One thousand Seven hundred and Forty-seven, entered into, and carried on an unlawful Familiarity and adulterous Conversation with *John Shore* Esquire; which being discovered, Your said Subject, and the said *Jane* his Wife, on the first Day of *January* One thousand Seven hundred and Forty-seven, Parted from each other, and have ever since lived in Separation: And Your said Subject from that time hath not had any Knowledge of, Interview, or Conversation with, the said *Jane* his Wife:

That the said *Jane* had Issue only one Child, named *Jane Boardina*, born of her Body before such their Separation, which Child died in or about the Month of *March* One thousand Seven hundred and Forty-seven, and had no other Child, born of her Body, either before or within twelve Months next after the said Separation; but she having so lived separate, and at a great Distance from Your said Subject, ever since the said Separation, Your said Subject is not certain whether she hath, or hath not, had any Child born of her Body, since the End of the said twelve Months from the Time of such Separation:

That your said Subject, in an Action at Law brought against the said *John Shore*, since the said Separation, for Criminal Conversation with the said *Jane*, hath obtained a Verdict, with One thousand Pounds Damages, and Costs; And your said Subject, since their said Separation, hath also obtained a definitive Sentence of Divorce from Bed and Board, in the Consistory Court

Court of the Bishop of *London*, against the said *Jane*, his said Wife, for Adultery, from which Sentence there hath been no Appeal:

And as Your said Subject's said Wife hath by her Adulterous Behaviour dissolved the Bond of Marriage on her Part, and your said Subject now stands deprived of the Comfort of Matrimony, by no Fault of his own, and may be exposed to have a spurious Issue to succeed him in such Estates as he is now seized of, or which he may hereafter be intitled to, unless the said Marriage be declared void, and annulled by Parliament;

May it therefore please Your Most Excellent MAJESTY,

Out of Your Princely Goodness and Compassion to Your said Subject's Misfortune and Calamity, and for the Support and Comfort of himself and Family, That it may be **Enacted**; **And be it Enacted** by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons in this present Parliament assembled, and by the Authority of the same, That the said Bond of Matrimony being violated and broken by the manifest and open Adultery of the said *Jane* be, **And it is hereby Enacted, Declared, and Adjudged** to be from henceforth wholly dissolved, annulled, vacated, and made void to all Intents, Constructions, and Purposes whatsoever; And that it shall and may be lawful to and for the said *Thomas Benson*, at any Time or Times hereafter, to contract Matrimony, and to marry (as well in the Life-time of the said *Jane* as if she were actually dead) with any other Woman or Women, with whom he might lawfully marry, in case the said *Jane* was not living; And that such Matrimony when had and celebrated, shall be a good, just, and lawful Marriage and Marriages, and so shall be adjudged, deemed, and taken, to all Intents, Constructions, and Purposes; And that all and every Child and Children born in such Matrimony shall be deemed, adjudged, and taken to be born in lawful Wedlock, and be legitimated and inheritable to, and shall inherit the said *Thomas Benson's* Lands, Tenements, and Hereditaments, and all other Lands, Tenements, and Hereditaments, from and by their Father's, Mother's, and other Ancestors, in like Manner and Form as any other Child or Children born in lawful Matrimony, shall or may inherit, or be inheritable unto, according to the Course of Inheritance used in this Realm, or any of his Majesty's Dominions thereunto belonging; and have and enjoy all Privileges, Pre-eminences, Benefits, Advantages, Claims, and Demands, in as full and ample Manner as any other Child or Children, born in lawful Wedlock, may have or claim by the Laws or Customs of this Realm, or of any of his Majesty's Dominions thereunto belonging.

And be it further Enacted, That the said *Thomas Benson* shall be intitled to be Tenant by the Courtesy of the Lands and Inheritances of such Wife or Wives as he shall so marry; and such Wife and Wives as he shall so marry, shall be entitled to Dower of the Lands and Tenements whereof the said *Thomas Benson* shall be seized of such Estate whereof she or they be Dowable, as any other Husband or Wife may or might claim, have, or enjoy;

enjoy; and the Child or Children, born in such Marriage and Marriages, shall and may derive, and make Title by Descent or otherwise, to and from any of their Ancestors, as other Child or Children may do; any Law, Statute, Restraint, Prohibition, Ordinance, Canon, Constitution, Prescription, or Custom, had, made, executed, or used to the contrary of the Premises, or any of them in any wise notwithstanding.

And be it further Enacted and Declared, by the Authority aforesaid, That all and every Child or Children, as well Male as Female, which at any Time since the first Day of *January* One Thousand Seven hundred and Forty-eight hath or have been born of the Body of the said *Jane* Wife of the said *Thomas Benson* (if any such there be) are Bastards and spurious Issue, and not the lawful Issue of the said *Thomas Benson* on the Body of the said *Jane* his Wife begotten; and that no such Child so born since the said first Day of *January* One thousand Seven hundred and Forty-eight, nor any other Child or Children which hereafter shall be born of the Body of the said *Jane* now Wife of the said *Thomas Benson*, shall be deemed, taken, or reputed to be the lawful Issue of the said *Thomas Benson* on the Body of the said *Jane* begotten.

And be it further Enacted, by the Authority aforesaid, That the said *Jane* shall be, and is hereby barred and excluded of and from all Dower and Thirds, and of and from all Right and Title of Dower and Thirds, or other Claim or Demand, in, to, or out of the Messuages, Lands, or Hereditaments, of the said *Thomas Benson*; And that all Maintenances and Provisions whatever made or any Way provided by the said *Thomas Benson*, or out of the Estate real or personal of the said *Thomas Benson* for the said *Jane*, or any Issue of her Body by the said *Thomas Benson*, and all Agreements and Securities for the same, shall from henceforth so far as concerns the said *Jane* or any such Issue of her Body, or any Right or Interest of her or them therein or thereto, be utterly void and of none Effect.

K. Grant Hall - Springfield

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